

**Minutes
Scottsdale City Council
Subcommittee on Regional Aviation Issues**

**Wednesday, April 16, 2003
5:00 p.m.
Kiva Conference Room, City Hall**

Attendance: Chairperson Cynthia Lukas, Councilman Ecton and Councilman Littlefield.

Staff: John Little, Scott Gray, Steve Olson and Kevin Shirer

Public: Dr. Scott Caley, Mr. Tom Guilvoy, Mr. Bill Mack, Mr. Don Maxwell, Mr. Len Tinnan, Mr. Phil Vickers.

1. Adoption of Minutes from the meeting of March 19, 2003.

Councilman Ecton makes a motion to accept the minutes and Chairperson Lukas seconds the motion. The minutes were approved as drafted (2-0).

2. Airspace Procedures Presentation by Airport Commissioner Tom Guilvoy

Airport Commissioner Guilvoy made a presentation on airspace procedures in and out of Scottsdale Airport. The presentation covered both Visual Flight Rules (VFR) and Instrument Flight Rules (IFR).

Councilman Ecton asked at what point do Scottsdale airport planes have to be at 1,000 feet, what point do they start descending, where are they when they start below that? Commissioner Guilvoy stated that corporate jets come up from the south, come into the pattern in Scottsdale they may be 4,000 or 5,000 feet above ground level, those arriving from the north cross Carefree Sky Ranch Airport at approximately the same altitude.

Councilman Ecton asked how many miles from the airport are they when they start dropping below 1,000 feet. Commissioner Guilvoy stated inside of a mile.

Commissioner Guilvoy spend some time talking about the Precision Approach Path Indicator Lighting System (PAPI). Commissioner Guilvoy stated that the glide path is projected up at 4 degrees and that is what a pilot should be flying, so at one mile, if you are on the glide path, you should be 470 feet above the ground and at approximately two miles, you are just less than 1,000 feet.

Councilman Littlefield indicated his concerns with developing the land south of Ironwood Village. Even though we have taken every step we can to notify to make sure people that purchase in that area are going to know what the consequences are, they are still going to complain and you can expect that and it's normal, logical that they will. So we've got other problems coming in the very near future from that area.

Mr. John Little asked Commissioner Guilvoy, that many citizens wonder why can't planes fly higher coming in on the glide path. You mentioned three degrees is standard, four is about as high as it gets. What would prevent an airport from establishing a five, six, or seven-degree flight glide path? Commissioner Guilvoy replied that it is a safety issue because you've got too much speed descending at a higher angle. I think it is the way the aircraft and the speed and the rate of descent so it becomes a pure safety issue.

Mr. Scott Gray stated that the airport does not set the flight path FAA does. The airport in this case is really the property manager and the FAA sets everything above the sky, is managed by the FAA, enforcement is either by the FAA or chosen not to be enforced by the FAA. The three-degree glide path is the standard for every airport. When we did our Part 150 study a few years back, we asked the FAA to

approve increase to four degrees for noise abatement purposes and they approved that. If we would have to go and ask for any other changes, but four degrees is probably about as high that's out there, if you go much higher than that then you have safety concerns, especially with larger airplanes coming at such a high sink rate, when they hit the ground, they are going so fast they cannot stop. An example is the one at Burbank that went into the gas station. That is exactly what happened with them, air traffic control kept them higher, they were on a high sink rate at about a five or six degree approach and could not stop the airplane.

Mr. Gray also stated that there are other air traffic control facilities that we've learned are a little bit more cooperative with the local jurisdiction, such as contract towers. In other words, it is not an FAA tower, it's still paid for through FAA funds, but it's a contractor that provides the service, Glendale, Williams Gateway, Chandler, they all have them, Flagstaff, they all have contract towers as many other airports across the country and our understanding they are a little bit more willing to provide more verbal communication, little more direction to some of the pilots.

Chairperson Lukas asked if we're looking to go with a contract tower. Mr. Gray indicated that we've been identified to be on that list to get a contract tower primarily because of the amount of the operations that we have. That program has just materialized over the last few years and we haven't heard any new information, but my guess is we're still identified but they have not moved down to our level of tower yet.

Councilman Ecton asked how we could influence that process? Mr. Gray indicated that there is a contract tower organization, which several airport managers in the valley actually reside on their board and I contact them periodically. They have indicated to me that if we were to request to be a contract tower that would set a tremendous amount of precedent in the entire program, having an airport like Scottsdale request that. That may actually make us move up a little bit faster. It's a tremendous cost savings to the federal government to have a contract tower.

Mr. Little stated that we have sent airport staff to a couple of conferences recently where contract tower pros and cons, advantages and disadvantages have been discussed, so right now we are developing an approach we can use to move in that direction. I think one of the things we haven't done on our own is to look to the policy makers and raise this to that level for discussion. What I would propose is we bring some of the stuff to this subcommittee that we learned of the advantages and disadvantages of contract tower and bring that to the policy level and say this is something we would like to do at our airport. Here are the steps that we would be required for us to pursue that. As you recall when we started this aviation subcommittee group what we said we need more of in this community is policy direction and consensus about of these kinds of things and with that kind of effort behind us, we will definitely move in that direction if it is the pleasure of the council.

Chairperson Lukas requested that this issue be put on the next agenda; discussion of pros and cons, then a recommendation could be made to the council.

Dr. Scott Caley commented that the FAA eliminated Quiet Skies and it has been brought up that when plane hits the air we may have to battle with FAA to seek changes. He doesn't think patterns stated were not valid. There is a landmark between Cactus and Thunderbird when making sharp turn over mountains. That is new and has been changed in last six months. Not the jets, 15% jets, small planes making an impact they are between 500 and 750 feet, not 1,000 as stated before. Some are so low, making nice turn. There has been a change, bringing noise into a different residential neighborhood than it was six months ago. Corporate jet took off and hot-dogged it, turned to SW instead of north, NW. FAA going to come into Scottsdale and say you have no right to tell a plane where to go, we don't care about the town.

3. Airport Using Flight Tracking Systems

Mr. Kevin Shirer presented information on the use of a flight tracking system. Mr. Shirer stated that since the last committee meeting, he contacted several airports, gave them a matrix and talked to people working at those airports using a flight tracking system. We wanted to find out who was flying where, at what altitude and try and do something about them. Features vary, but bottom line you need flight tracking and radio play back to identify an N-number of an aircraft that didn't have its N-number identified. Cost varies significantly, most of the CA airports that have systems, have \$1 million systems, however, prices are coming down. Basically that is the nuts and bolts of the kind of systems that are out there. Heard back from some of the large airports but did not get any nitty gritty, just a list of airports that had flight tracking systems. Got some operator comments back from smaller airports, mainly said provides very good data for noise monitor modeling and aircraft identification has been invaluable, so we don't have discussions about how high was he or if too low go after him or turn over to FAA. The cons, basically airports did say it created a little bit of a perception the flight track system did not get rid of low or loud planes. One person said it does not make them quieter, but they can identify them, which they can't do right now. There is a reluctance to report this data over the internet, obviously they want to make it available if you come into their offices, but not have the public able to access all the data older than maybe 10 or 12 hours because some of that data has been skewed before; just here recently in the valley for that same type thing.

Councilman Ecton asked what conclusions they come to after reviewing this and what do you think we ought to do. Mr. Shirer stated that he got here nine years ago and I wanted a flight tracking system a week after I got here.

Chairperson Lukas commented about the concerns that this might encourage increased complaints. Is that because citizens might realize we have that capability so we will call in the complaint or is there any other reason. Mr. Gray indicated that most of the airports that have a system are using the old radar system. All the major airports have radar, so they have radar-based systems. The reason it may cause an increase is because the information is not available to the public. We propose to put the info on the Internet, so the info is available to them. Before when a citizen thought a plane was flying at 500 feet, they would report and staff would have to research and figure out what it was and get back to them. With the newer systems like this they can see that info on the Internet and determine how high that plane was, so it might not generate a call like the old system. The system could also be set up to report anyone flying lower than 1,000 feet, it would just give a printout, we would know they wouldn't have to tell us.

Chairperson Lukas asks, so the recommendation to get a system is because it is a tool for aircraft identification. Mr. Little stated that if you recall at the last meeting, the question came up with a flight tracking system, will that make complaints go away and we know it won't. Once again for the record with more sophisticated flight tracking system out commitment to the public be sure we capture every complaint and this is dealt with remains at the forefront of our job duties.

Chairperson Lukas asks it sounds like a good recommendation then began to hear public testimony

Dr. Calev says the City set up a program to stop red light runners; they sat up cameras around town and as a penalty you could get caught, take your picture as you go by and you get a ticket. Again I have been thinking since the last meeting, I don't know if anyone has reviewed the possible penalty system, but then again, I am concerned about the FAA's control of the skies. Kevin, it's a great idea, I love the idea. I call up and identify a plane, but then it's like using the red light system. It's been identified, but if there is no penalty, there is no program in place, whether it's a citizen program, a Scottsdale program, say if you cannot follow our rules you are not welcome here. If that person goes crying to the FAA, well they won't let me land here, how can they do that? So we set up a sophisticated \$200,000 system, we identify that we may get more complaints, we may need an extra person to process these complaints that we don't have and if we don't have a penalty system in place, these complaints don't mean anything. We have

invested a lot of money, time and employees in identification and we will all look at graphs next year and the year after and go ummmm it's up, but we did not control it. We set awareness and we can track the awareness, but there is no penalty. We're not sending people off to other airports where there are different rules and keeping them out of Scottsdale.

Chairperson Lukas asks Mr. Shirer when you did your research did you hear from some of the operators about penalties. Do they have them other places? Mr. Shirer stated that all the operators that had penalties in place were prior to the Airport Noise and Capacity Act of 1990 and they use flight tracking systems and/or single event noise monitors to enforce those rules. There are no airports that have flight tracking systems that I talked to and I talked to several that had systems purchased recently that have been able to institute a new noise regulation or have authority because that is prohibited by the airport noise capacity act of that whole FAR part 161 process we have been talking about.

Councilman Littlefield stated that Dr. Calev hit the nail on the head. We discussed this issue when it first came up last July; we are just flapping our jaws. The lawsuit proves it, the federal government has passed a law that the FAA controls the airplane once it has lifted off the ground, we have limited authority and for us to sit here and talk about this and what we are going to do. Once it lifts off we don't have any authority, we can track these people all we want and it's useless data other than to attempt to placate people. Buying a flight tracking system whether is cost \$200,000 or \$210,000 is not going to reduce noise in this community one decibel for one person for one minute. I don't care if we track these people if we get their N-number, if we get their SS number, if we get their birth date, it doesn't matter. Other than we can put it on the internet and people can get some satisfaction out of it, but it does not change the fact we are not going to change the flight path one iota. I wouldn't vote for this expenditure because it's pointless. It doesn't do a thing. The City cannot fix airplane noise; the federal government is the only people that have the authority to do anything about airplane noise, whether it's in Scottsdale, in Glendale or anywhere else and that is what's wrong with this whole exercise.

Councilman Ecton stated that he disagrees with that completely. If we have a tracking system, we can identify the people that doing that, we can use other methods other than penalties, other than fines, to get them to try to fly differently through friendly persuasion and yes we can reduce some of the noise if we work with those people because some of those people are more reasonable than you are. They will listen, they will do what we ask them to do and so I think the tracking system would certainly be worth the money to spend to do that. You are a pilot, you want to fly where you want to and you don't want to try to do anything about it and it's as simple as that. I think there are a lot of people that can work with the system that you can work with and we can make an impact. It's not cut and dry. They are doing it now, but also, they could do it better, much better if they had more information.

Chairperson Lukas says the full council will have to decide if we have this kind of expenditure. Leave this debate here, but these are the pros and the cons and she says she appreciates the research on this issue.

4. Defining Noise and Related Policies

Mr. Gray gave a presentation on noise measuring options and definitions, measuring tools and then policies and maybe some policy direction, which we can get from this Committee. Definition of noise, there is a federal standard, it's the DNL (Day/Night Noise Level) metric based on the Shultz curve, which is annoyance level. It's a 24-hour average that does have a penalty at night from 10pm to 6am. It is used to create our noise contours that you see on most of our documentation including our Part 150. The point of significant impact is defined as 65 DNL by the federal government and many agencies within the federal government, however, in our Part 150's we've gone out to the 55 DNL for land use planning purposes. Other metrics that are used by other airports across the country, DBA which is basically the sound you hear with your ear, Lmax is the maximum level a DBA heard during any single event, SEL (Sound Exposure Level) is a total noise equivalent which takes into effect the volume and the duration or

the Lmax and the duration and then CNEL which is used in California, actually it's very similar to the DNL except it splits it in to three areas, day, evening and night and there are varying penalties for those times of the day. Options available for defining Scottsdale's noise is obviously we need to keep using the federal standards because we do have a Part 150 process and that's required to use in the Part 150 is the 65 and continue to augment that with our 55 for land use purposes. Institute the use of permanent or portable noise monitoring devices and establish a noise threshold. There are no penalties or fees unless you do a Part 161 study, which ultimately gets approved and lets you set some sort of penalty or fee as it relates to noise or any other access restriction to your facility. It will allow us to do educational letters to the operators if we can identify them; this is assuming we don't have a flight tracking system or noise monitoring system.

Chairperson Lukas indicated that she neglected to offer an opportunity for public comment on the last time from Mr. Phil Vickers.

Mr. Phil Vickers stated that the airport staff has indicated that they spend over \$186,000 a year tracking citizens complaints. The whole problem with their complaint tracking system is they don't have the ability to identify the something about the problem. So I advocate a tracking system just for that purpose or elimination of the complaint system because we're simply treading water and not accomplishing a thing. It starts with an attitude and a policy, a policy set by the City pertinent to noise, we accept aircraft noise or we don't. It is an attitude of our aviation director and his staff either noise is welcome, noisy airplanes are welcome. Contrary to the beliefs of some people that the FAA rules and regulations are not law. They are simply the FAA's interpretation of the law. The point that I am trying to make is, there are other people who believe there is something you can do about it and Naples is one of them, they put their money where their mouth is. If we can get a tracking system, at least we have the potential of identifying the perpetrators, then see if there is a recurring pattern.

Chairperson Lukas requested Mr. Gray to continue on the next item.

Mr. Gray indicated that the education letters, we are doing that now, as well as we can if we can identify the operators to indicate to them we have noise abatement procedures and ask them to work with us and typically that works fairly well if we can identify them.

Councilman Ecton asked Mr. Gray when you say identify operators that exceed Scottsdale threshold, what does that mean. Mr. Gray responded that the idea is if it is a desire to come up with a threshold like Lmax or SEL, we can analyze during the Part 150 process and have that approved. If we have a noise monitoring system and they exceed the noise level, then we would notify those pilots. If we did a 161 process and had it approved that said you can't exceed these levels then there could be some penalties or banning of those types.

Councilman Ecton asked what is it that triggers, assuming you can identify the pilot, sending a letter? Mr. Gray responded that anybody that operates a Stage 2 aircraft, at any time of the day we send them a letter asking them if they have a quieter aircraft in their fleet to fly a quieter airplane. We also, if we get notified by the tower, which they are working with us, if somebody does something a little erratic like for example, runway 21 departure, they turn left, and typically aren't supposed to, the tower is letting us know the N-number of that airplane, we research the N-number and send the owner of that airplane a letter indicating we have noise abatement procedures in place and left turns are discouraged.

Councilman Littlefield stated that not every noise complaint by a citizen would generate a letter, even if you could identify what airplane did that. Not every noise complaint involves a violation of our noise abatement procedures.

Mr. Gray continued assuming no monitoring system or flight tracking system we think that the reporting system should be modified. The noise hotline, unusual noise and safety events within that reporting grid

and then any first time callers, any citizen at all, and the web site then can be used for any and all regional complaints, no matter what they are because we won't have a system to determine what they are. What this gives us is, the ability to do is focus our staff resources on our pilot and community outreach program, which was discussed a little bit earlier, and it's included in your packet. It's a valuable program that will help us tremendously if we could spend the time on it. We spend a significant amount of time with callers that are well outside of our airport and we could be utilizing that time better. If we were to get a flight tracking system, the flight tracking system would tell us low flying airplanes, deviation from the tracks, we would be able to send out pilot compliance letters. The theory is to move from a citizen complaint based system to more of a pilot compliance type system. Without the tools you don't know if they are compliant because the rules are a little loose there. For example, somebody is flying below our flight path, over Ironwood instead of 946 feet I think it was, maybe they are flying at 700 feet, we can set various pieces of blocked air space that would tell us they are below that, we could notify them by letter they are in a noise sensitive area and please help us by flying the path. Also, if there are low flying airplanes that are violating FAR's we could send notification to the FAA since they are the enforcement arm, if they know the airplane was below 1,000 feet. Now we have the technical data with no limitations we can share it with them, they may be more willing to go out and do enforcement efforts on our behalf.

Chairperson Lukas asks what the likelihood of FAA enforcement efforts. Mr. Gray responded that one of the problems we have right now is the FAA has no tool to tell them what altitudes the airplanes are because we don't have coverage out there. If we can give them the data, they will have the ability to confirm in fact with technical data that it did happen. The noise hotline then with a flight tracking system could be limited to just noise events within the grid because obviously safety issues would be automatically recorded and we would already be notified of them with the flight tracking system and again any first time callers from anywhere. On the website, because everybody could identify that there are airplanes we wouldn't have to be in the noise abatement program for the entire metropolitan area and take Phoenix Sky Harbor complaints and Deer Valley complaints and so forth if we had the system.

Councilman Littlefield stated that you still have to take complaints and determine if it is your complaint. Mr. Gray indicated that the idea is to have the information on the Internet so they would know whether it was our airplane. If it went to Deer Valley they would be able to determine that themselves.

Mr. Gray stated that if they are outside the reporting grid, we are going to direct them to go to the Web that would be the intent. The system with a flight tracking and noise monitoring system would be similar to this, obviously the flight tracking we talked about, permanent noise monitoring system would again tell us about unusual noise events that changes the DNL, we could send compliance letters out if we had an established noise level. Even if it wasn't for enforcement purposes, if we set some sort of threshold and said this is what we think is an acceptable level at our airport, you exceeded that, do us a favor, fly higher, pull back power, whatever, there might be some NBAA processes they could follow that would fly quieter. Continuing on that, the portable system again we just use to spot check areas and then the noise hotline would be for unusual noise events within the grid even though we would already know about them. We would assume the noise calls would drop in that case we would already know they violated whatever standard was set by the city and again any first time callers. The website then would just be any unusual events because there wouldn't be a noise issue outside the grid because we would already be monitoring the noise. As is the case with the DNL they don't really extend that far, but again that would have to do with some other level of SEL or Lmax. Establishment of some city policies is obviously where we are asking for your direction, recommended noise definitions, DNL obviously because it's federal standard. Another metric is determined in the Part 150 study, again that could be SEL or Lmax or some other method. We will go ahead and monitor with portable monitors to correlate to noise complaints, one of the things that's missing is, what is that level that is going to trigger most of our noise calls. We don't know what that is because we don't have any data to draw from. As we talked earlier, although we cannot make the decision to purchase it, we can see if it's of interest to this group, we can put an RFP out for these types of equipment and find out the costs and options are and bring back to the entire council to make a decision. We would ask to modify the complaint recording system now so we can actually take

our staff time and focus it on pilot and community education program which is important to the hotline, to the grid and any first time caller. Until we get some other tool, continue to have the website open to anybody that would like to provide us any information.

Dr. Calev stated that he agreed with both Mr. Ecton and Mr. Littlefield. One question is do either of you feel in what they are projecting that Scottsdale can either break ground like Naples and move to a point where we can have a restriction on a community airport? , and secondly, does staff feel or do you get feedback that there's an arrogance among the corporate pilots of the jets or some of the high end, very expensive planes out there that they do as they wish?

Councilman Littlefield commented that Scottsdale made the classic mistake that most communities do, they let too much development occur near the airport. We are about to make another huge mistake; we are going to let DC Ranch Planning Unit One be built. We have created a situation unless somebody comes up with an airplane that's completely silent; we are not going to fix this problem. The situation we have in Scottsdale is the same situation we have all over the country with airports in suburban areas. Short-sided government officials let residential development occur too close to the airport, it is as simple as that. Residential growth has collided with growth from the airport. We can make some small changes in this, and these guys work hard to get pilots to comply. I would even go so far to agree that a flight tracking system might allow them to get some more pilots, but it is going to be an incremental change. It is not going to fix the Ironwood Village problem, it not going to fix Mr. Weingarten's problem out SE of the airport that would be my take on it.

Mr. Little responded that there is no evidence at all that our corporate pilots are in any way arrogant or cavalierly disregard the rules. But I will say, and I think this is a parallel that people can understand, there are automobile drivers that break the rules and we have enforcement activities out there. That does not stop it from happening, but we are able to use photo radar as an example, build awareness. Awareness can create tangible benefits to the community. Mr. Vickers pointed out that we have an attitude on our own staff, one that is noise friendly or noise adverse. I would say we have an attitude that the quieter airport is a better airport. There is no single bullet from either enforcement or flight tracking or great complaint system that is going to make airport noise go away. We do believe in staff and we invest very heavily in making sure when we go out and we do have data and pilots do need talking to, that we are able to do that and we believe that does make a difference and we invest in that and will continue to do that. With flight tracking we think we can even do more of that in the future and make a difference. The other thing that we haven't talked at all about, from a staff's standpoint I would like to see us do more of and in life as in airport noise, incentives and disincentives can play a role. I think celebrating those pilots and those companies that operate in a responsible manner and publicizing their compliance and celebrating pilots continued compliance with out takeoff and landing procedures. In letting people know that there are people that do well, can send a message to other pilots. The other thing is disincentives; similarly publishing lists of companies where we have continual violations of established procedures might also make a difference. I'm not proposing we do either, but I'm saying those are, education, incentives, disincentives, regulations, Part 150, Part 160, all those things together can make a difference, but not one thing is going to make airport noise go away as long as an airport's here. That way we have to calibrate our expectations. We are not going to make airport noise go away anymore that we are going to make freeway noise go away, but we can make a difference.

Chairperson Lukas stated that she would agree with those, I think they are good recommendations and we do want to modify our complaint system so it's efficient and we don't have staff wasting time when they could be doing what you are talking about, education and all that. I would like to see the council consider the flight tracking and noise monitoring system. I know that costs money, so we need to find out the RFP what that would cost. Then the noise definitions, I understand we have to get in our Part 150 before we decide the number, but I do think those are three different things, three different areas we can work on. I agree with Mr. Little that no one thing on that list, and no one thing that exists are going to take

away airport noise, but we are doing our best to try to work on the issues. So I would endorse these recommendations.

Councilman Ecton stated that he would endorse them too. Let's not lose sight of something here; I recognize we can't solve the noise problems. Even though I sound like I think there is a solution, there is no solution to all the noise problems. But, if we take no action, if we do nothing to try to be sensitive to the citizens and to respond to the pilots; that's the worst thing we could do, is to just give up and say there is nothing we can do. I think we have to take steps even though it means spending money to show the public, to show our residents we are trying to do the best that we can to minimize the noise impact. On the arrogance issue, I would have to answer that I see a lot more arrogance in the private pilots than in the corporate pilots. I know an awful lot of pilots that look me in the eye and say tough stuff; we will fly where we want to. There are no controls up there, the sky is open, and we will fly over your house if we want to. I will be very glad that we get the tracking system.

Councilman Littlefield stated that he would like to make a prediction, if we do everything on this list, buy a flight tracking system, complete the Part 150 study, I won't say no improvement can possibly be made, but the question is how much bang you are going to get from you buck. I predict if we do everything on this list, two years from now, this man in the corner, Mr. Nick Luongo, Mr. Ken Weingartner are going to be no happier than they were, the only difference is they will not be able to get in to testify because all the new noise complainers from DC Ranch Planning Unit One will fill up the room. I don't object to trying to do something about noise, what I object to is setting the expectations incorrectly and I also quite frankly object to giving people the impression we can do something we can't. Whereas some good may come of this, I would argue that I think the cost is too high for the amount of good that is going to come of it. It still dances around the main problem, which is, we had an airport that grew, we had some kind of zoning that let houses be built in the wrong spots and now to tell people we are going to fix it, it's not going to happen. We could get rid of Stage 2 airplanes that would help a lot. We are committed to doing the 150 Study.

Mr. Little took a moment to indicate that Mr. Shirer is moving onto the private sector, he has submitted his resignation to the City. It is a tremendous loss to the City, his expertise, his dedication, he really has made extraordinary contributions and we thank him for that. He will be the new western regional aviation planner for HDR Engineering doing work in Arizona, California and Alaska.

The Committee members thanked Mr. Shirer for his efforts during his time with the City.

5. FAR Part 150 Study Funding

Mr. Gray indicated that we have not received the Part 150 study funding. We are anticipating getting our grant, probably July. We are hopeful we can get it sooner, what happened was Congress took their time getting their budget passed and takes time to trickle through the FAA. The entire fund is broken out into each region and then each region has to take a look at their capital projects.

6. North Valley Radar Coverage

Mr. Little provided an update on a letter sent to Mr. Gus Nezer on March 4 and the letter very briefly said we have been waiting a long time, you have been doing a lot of investigations in getting this radar to work. The City wants a timetable understanding when we would get some resolve and he sent a letter back, which is in your packets. It was dated April 7, stating what you guys want is very important, it's very important to us to and will remain a high priority based on inconsistencies in the performance of the tests, at this time, I am not able to give you a timetable in terms of when we would be able to get that implemented. It was not a very satisfactory return letter but I do understand from a technical standpoint what he is saying, but we hope to get more definition on a timetable shortly.

Mr. Gray also added -that there has been programmed an ASR 11 which is a brand new radar to be located at Central and Union Hills on a piece of City of Phoenix property. He had indicated to me they are having problems with the ASR 11 initial test site in Stockton, CA., and five years ago still has not been approved for use. They are having some technical problems with the actual radar; there fore he said the entire program has been pushed back. What we were programmed was 2005 our new date is 2007. One of the good pieces of news with that is we have moved up higher on the list of priorities to get a unit. If they can work out the issues with the radar we will more likely be on the top of the list to get the first installations as they start.

7. Naples Airport FAR Part 161 Study

Mr. Little shared the fact that Mr. David Pennartz sent a note out to the Council saying the airport staff, the transportation department in the city strongly support supporting Naples Airport in their efforts to challenge FAA rulings regarding local control. We have agreed at no cost to the City to file an amicus brief in support of that effort. It is our understanding there are a number of other communities that will also be filing similar briefs. It is in all our interest to do everything we can, not just give up and say we are unable in the future to set rules for our airport, but continue in our efforts to see what we can do. We are doing the brief and if we wanted to customize and put some of our own issues in it, then it would begin to cost us money at that point if we wanted to expand on it. Right now the brief merely says "and us too".

Councilman Ecton asked if we ask our legal consultants whether it would be useful to add our own customized brief, do they think that would enhance our cause. Mr. Little indicated that we have asked them and they have indicated at this point that filing an amicus brief that says 'me too' is sufficient. They will advise us if they think we need to extend beyond that. At which time we will come back to the Council and say we need to authorize funds to move further into that.

8. NBAA Airport Noise Summary 2000-2002

Mr. Gray indicated that the information is a little outdated, however, it does identify about 655 airports across the country that have some sort of noise program ranging from anywhere to a use noise abatement techniques to full blown penalties and fines over too much noise levels. Just wanted to provide this as an informational item. It does talk about Stage 2 as well. It does show some of the noise levels and then it does have every airport that has a program. I thought it might be of interest to the group. I believe they are working on an update to this. Mr. Shirer has spoken to the person at NBAA on this and they are going to work with Boeing Aircraft who also does a noise type thing to make this a little bit more current on a regular basis.

9. Pilot/Community Outreach Program

Chairperson Lukas said we have indirectly spoken about this with the letters that are in the packet. Is there anything we need to add? Mr. Gray mentioned that the next time you see this, we present this to the commission subcommittee on noise each time. The next iteration of this will actually have the status of each of these and where we are at in that process of that program. I did want to bring to your attention, the pilot noise abatement pledge. We have already received about 100 of those pledges back to date. We sent them out last week.

Chairperson Lukas asks approximately how many were sent out. Mr. Gray responded that 650 were sent and 100 received back within a week. We are certainly hopeful we will get more. Those just went out to base aircraft. They are also available for transient pilots if they would like to sign it as well. We look forward to getting more of those back. Mr. Little mentioned the awards type program, number 12 there, the noise abatement awards program that recognizes pilots, individuals, residents, flight schools, organizations that contribute to the overall program, we are looking into doing that as well.

10. Other Current Issues

Chairperson Lukas said Mr. Steve Olson had a report this evening. Mr. Olson provided a status report of Senate Bill 1070. He also indicated that another issue that has come up is the flight property tax fund and what is the future of that. Through our involvement with organizations that frankly Mr. Gray is much more closely affiliated with, there is interest in trying to stop the legislature from sweeping in all the flood property tax money into their effort to balance the budget. I will just tell you they are sweeping everything they can get their fingers on. It will be an interesting fight to see if they can get that held on.

Mr. Gray indicated that the fund was already swept of \$4.5 million of the cash in the accounts of the aviation fund was swept and the continuation right now is programmed for two years for the 50% diversion which has been going on since 1997.

Mr. Olson stated that the other thing that has been raised in the phrase at the last meeting is the future of regional airspace. It is his understanding in talking to people at ADOT is that the study that was proposed through Governor Council was not expected to get funds.

Chairperson Lukas requested that staff generate a letter that we would take first to the Mayor and council about how the FAA might proceed with the southern hemisphere study. As you know we had some objections the way they conducted the study the last time. We would hope they would have more community input and do a better job of interfacing with the city and the citizens. I would like for us think about doing that. I think that would be worthwhile to have a letter coming from us, at least putting them on notice to conduct this study better than the last one.

Public Comments

Mr. Vickers states he would like the council subcommittee to consider the possibility or at least study the possibility of closing the airport for night operations. It is my understanding a city may do that if they do a cost benefit analysis and in such an analysis it cost more to operate than the revenue that is generated. Mr. Vickers read a paragraph from a letter from Mr. Gray dated April 15. He also stated that Scottsdale Airport has already been informed that several projects earmarked for grant funding over the next couple of years may not receive funding as proposed. If the attitude of the FAA is not to continue to contribute monies to the capital improvements of our airport then why do we continue to maintain the policy that we should abide by their so called interpretation of the law.

Chairperson Lukas asks for council subcommittee comments

Councilman Ecton has been getting a lot of e-mails lately about helicopters. He asks do we have any control whatsoever over where helicopters fly? Mr. Gray indicated that we have a voluntary helicopter noise abatement program. But helicopters are not restricted by that 1,000-foot rule and most of the helicopters can go anywhere that they choose as long as the air traffic controller will allow them to. Mr. Little stated that if a helicopter pilot thought it was safe to land a helicopter in a back yard and it was safe, they could do that within reason. The FAA does regulate if there is a commercial use, so if somebody wants to operate out of their back yard, a sight seeing service and they want to operate a helipad they the FAA does have rules and regulations that apply and they can either permit or restrict that.

Chairperson Lukas asked how many helicopters fly out of our facility? Mr. Gray stated that 18 or 19, four of which are news helicopters and the others are training. There are a couple of charters as well, privately owned.

Councilman Ecton said that he didn't know the reason in the surge of complaints about helicopters, whether there is more activity or all of a sudden they are becoming more aware, here is another aircraft

and noise. Is there more activity now than in the past? Mr. Gray indicated that it may have to do with the heightened awareness of them being in the air. We are concerned with helicopters, which is why we have the mandatory thing. One of our pilot outreach programs is create a helicopter specific pilot guide.

Mr. Little stated that the is aware of a residential area in north Scottsdale when a new helicopter may be introduced, the resident owns the helicopter and begins to operate to and from their home either for business purposes or whatever, residents that had not experienced that before do call us and let us know someone is operating a helicopter and flying over my horses, my home and they call in and ask if it is legal and can they do anything to stop that individual from doing that. The short answer is no, unless they are operating in an unsafe matter and then the FAA would intervene if that could be documented. Whenever you introduce a private use helicopter into a residential area, we do get a spike in complaints. We have one right now. Someone asks who is it. Mr. Little indicated that it is roughly just west of Pima Road and Dixileta, in that neighborhood. That private residence owns and operates a private helicopter and takes off and lands it on his property.

Next Meeting

Chairperson Lukas stated that the next meeting is scheduled for May 21 at the Via Linda Senior Center. It was requested by Councilman Ecton to perhaps change it to the following week, to May 28. The meeting was tentatively set for May 28 at Via Linda Senior Center, pending confirmation of the room availability.

Chairperson Lukas requested that the name of committee Regional Aviation Issues. All the council subcommittee members agree on that name

Meeting adjourned at 7 p.m.